

**INDIAN ENVIRONMENTAL GENERAL ASSISTANCE PROGRAM**

**GUIDELINES ON THE AWARD AND MANAGEMENT  
OF GENERAL ASSISTANCE AGREEMENTS  
FOR INDIAN TRIBES**

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Office of Water  
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- Public Law 103-155, Amendments to the Indian Environmental General Assistance Program Act of 1992  
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- Indian Tribes: General Assistance Grants for Environmental Protection Programs; Interim Final Rule (58 FR 63876)  
<http://www.epa.gov/indian/laws3.htm>
- Indian Tribes: General Assistance Grants for Environmental Protection Programs (40 CFR Part 35, Subpart Q)  
<http://www.epa.gov/indian/laws3.htm>
- List of Federally-Recognized Indian Tribes  
<http://www.doi.gov/bia/tribes/entry.html>
- Overview of Categorical (Program) Financial and Project Assistance from EPA  
<http://www.epa.gov/indian/overcat.htm>
- Tribal Environmental and Natural Resource Assistance Handbook  
<http://www.epa.gov/indian/tribhand.htm>

## **BACKGROUND**

The U.S. Environmental Protection Agency (EPA or Agency) is responsible for administration of various Federal statutes that provide for protection of public health, welfare and the environment on all lands of the United States. Under the major environmental statutes, EPA has established the national system for pollution prevention, abatement and control. The Agency has established regulatory procedures for standards setting, permitting, information gathering including inspections, and enforcement for facilities and operations that may impact the quality of the environment. Under its Indian Policy, Presidential Memorandum and Executive Orders, EPA works with Tribal governments on a government-to-government basis and recognizes Tribes as the primary parties for making environmental policy decisions and carrying out program responsibilities affecting Indian reservations, their environments, and the health and welfare of the reservation populace. One tool that EPA has to assist Tribes in developing Tribal environmental protection programs is the General Assistance Program (GAP), authorized by the Indian Environmental General Assistance Program Act of 1992, as amended (42 U.S.C. §4368b).

For the first time since assuming oversight of GAP, AIEO is replacing the 1994 GAP guidance. The intent of these guidelines is to clarify eligible activities under GAP, improve AIEO oversight, and make the document more user-friendly. This document provides the national policy guidelines and criteria for the award and administration of GAP grants. It reflects statutory and regulatory requirements and, in some instances, establishes new binding requirements that have not been announced previously. The EPA Regions may provide supplemental guidelines and establish Regional priorities and criteria that are consistent with relevant statutes, regulations and this document. These guidelines will remain in effect unless otherwise modified, and may be supplemented and updated when appropriate. Please note the proposed rule for Environmental Program Grants for Indian Tribes (to be codified at 40 CFR Part 35, Subpart B), which includes regulations for GAP grants, will supersede the current regulation (Subpart Q) when finalized (see 64 Fed. Reg. 40084, July 23, 1999). Guidelines on Performance Partnership Grants that addresses GAP will be forthcoming.

### **Why was GAP created?**

At the time EPA's Indian Policy was adopted in 1984, the environmental statutes administered by EPA generally did not explicitly address the role of Tribes in environmental management, but provided for a joint State and Federal role. Today, five of EPA's statutes specifically allow for EPA authorization of Tribal programs or a substantial role for Tribes:

- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
- Safe Drinking Water Act (SDWA)
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund)
- Clean Water Act (CWA)

- Clean Air Act (CAA)

In addition, in several instances, EPA has reasoned that even though Congress has not specifically provided for Tribal assumption of environmental programs in legislation, the Agency has the discretion to allow for Tribal programs. Two statutes where the opportunity to apply for environmental programs has been extended to Indian Tribes by this rationale are:

- Toxic Substances Control Act; and
- Emergency Planning and Community Right-to-Know Act.

The Agency worked through the authorities provided in these statutes and regulations to assist Tribes with the development of Tribal environmental protection programs. However, EPA wants to assist Tribes in developing Tribal environmental protection programs tailored to individual Tribal needs. In response to the Agency's request for more flexibility in assisting the Tribes to build their overall environmental management capacity, Congress first authorized EPA to create the Multi-Media Assistance Program, and subsequently enacted the "Indian Environmental General Assistance Program Act of 1992." In 1993, the Agency promulgated program-specific grant regulations that govern the award of General Assistance Program grants (58 Fed. Reg. 63878, Dec. 2, 1993; 40 CFR Part 35, Subpart Q). Under GAP, Tribes and Intertribal consortia may use GAP grants for planning, developing or establishing environmental protection programs.



## **I. WHAT THESE GUIDELINES COVER**

### **A) To whom do these guidelines apply?**

These guidelines apply to the following:

- A Tribe or Intertribal consortium applying for a General Assistance Program (GAP) grant.\*
- A recipient of a GAP grant.
- A contractor, subcontractor, or subgrantee of a GAP grant.
- A Regional or Headquarters EPA employee responsible for management and oversight of GAP.

\*General Assistance Agreements include both cooperative agreements and grants. Most EPA employees and Tribes who work with GAP refer to the assistance agreements as “GAP grants,” so this is the language used in these guidelines.

### **B) Do these guidelines replace the 1994 GAP guidance?**

Yes. These guidelines replace the document titled “Interim Final Guidance on the Award and Management of General Assistance Agreements for Indian Tribes” (July 19, 1994).

### **C) Do these guidelines establish binding requirements?**

Yes. This document provides the national policy guidelines and criteria for the award and administration of GAP grants. It reflects statutory and regulatory requirements and, in some instances, establishes new binding requirements that have not been announced previously.

### **D) When are these guidelines effective?**

These guidelines are effective immediately.

### **E) Under what authority does EPA award GAP grants?**

EPA awards GAP grants under the authority of the Indian Environmental General Assistance Program Act of 1992, as amended (42 U.S.C. §4368b).

### **F) What regulations govern the award and administration of GAP grants?**

The regulations at 40 CFR Part 35, Subpart Q (§§35.10000 and 35.10035, see <http://www.epa.gov/indian/laws3.htm>) govern the award and administration of GAP grants. These regulations apply to all GAP grantees and subgrantees.

In addition, the regulations at 40 CFR Part 31 (“Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,” see

<http://www.epa.gov/docs/epacfr40/chapt-I.info/subch-B/>) apply to GAP grantees and subgrantees that are Indian Tribes or Intertribal consortia. Even if an Intertribal consortium is incorporated as a nonprofit organization under State and Tribal law, it must follow the regulations at 40 CFR Part 31 (see 40 CFR §31.4 and the definition of local government at 40 CFR §31.3). Subgrantees that are not Indian Tribes or Intertribal consortia must follow the regulations at 40 CFR Part 30 (“Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations”) (see 40 CFR §30.5).

**G) Are there other EPA grant regulations and OMB Circulars that apply to GAP grants?**

Yes. GAP grants are also subject to the following EPA grant regulations and OMB Circulars:

- 40 CFR Part 7, Non-Discrimination in Programs Receiving Federal Assistance from EPA  
<http://www.epa.gov/docs/epacfr40/chapt-I.info/subch-A/>
- 40 CFR Part 32, Government-Wide Debarment and Suspension (Non-Procurement) and Government-Wide Requirements for Drug-Free Workplace; Clean Air Act and Clean Water Act Ineligibility of Facilities in Performance of Federal Contracts, Grants and Loans  
<http://www.epa.gov/docs/epacfr40/chapt-I.info/subch-B/>
- 40 CFR Part 34, New Restriction on Lobbying  
<http://www.epa.gov/docs/epacfr40/chapt-I.info/subch-B/>
- OMB Circular A-102, Grants and Cooperative Agreements with State and Local Governments
- OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations

The OMB Circulars are available at <http://www.whitehouse.gov/omb/circulars/index.html>.

**H) What definitions are applicable?**

**Grant** means an award of financial assistance, including cooperative agreements, in the form of money, or property in lieu of money, by the Federal Government to an eligible grantee (40 CFR §31.3). For more information on when to use a grant or a cooperative agreement, see EPA Order 5700.1.

**Indian Tribal government** means any Indian Tribe, band, nation, or other organized group or community, including any Alaska Tribe (see section III (D)), which is recognized as eligible by the United States Department of the Interior for the special services provided by the United States to Indians because of their status as Indians (meaning federally recognized).

**Intertribal Consortium or Consortia** means a partnership between two or more Indian Tribal governments that is authorized by the governing bodies of those Tribes to apply for and receive assistance under GAP. An Intertribal consortium must have adequate documentation of the existence of the partnership and the authorization of the member Tribes to apply for and receive assistance.

## II. THE PURPOSE OF GAP AND ELIGIBLE ACTIVITIES

### A) What is the purpose of the GAP program?

The primary purpose of GAP is to support the development of elements of a core Tribal environmental protection program. In order to achieve this goal, the Tribes, with EPA's assistance, should work to do the following:

- Identify baseline environmental needs in order to build capacity to administer an environmental program or develop a Tribal environmental program that is tailored to individual Tribal needs.
- Establish the administrative, legal, technical and enforcement capability of Tribes to develop and implement a Tribal environmental program, including the capacity to manage EPA-delegated programs.
- Foster compliance with federal environmental statutes by developing appropriate Tribal environmental programs, ordinances and public education and outreach programs.
- Establish a Tribal communications capability to work with Federal, State, Local, Tribal and other environmental officials.
- Establish the Tribal capacity to develop and implement management programs through program-specific assistance.

### B) What can GAP grantees do with GAP grants?

The purpose of GAP is to assist Tribes in building the basic infrastructure of a Tribal environmental program, which may include planning, developing, and establishing the administrative, technical, legal, enforcement, communications, and environmental education and outreach infrastructure. Planning an environmental protection program may include setting goals and designing an approach for the program. Developing an environmental protection program may include progressing from plans on paper to actions that help establish the program. Establishing an environmental protection program may include working out the glitches of the development phase, performing a "test drive" of the program, and making the program secure or firm. These stages precede implementation of an environmental protection program. Activities that modify or enhance existing systems are fundable so long as they constitute planning, developing or establishing, not implementing, an environmental protection program.

The determination as to whether a particular activity is eligible for GAP funding will often depend on the specific facts. For example, not all planning activities are eligible under GAP; they are only eligible if they are for the purpose of planning, developing or establishing an environmental protection program. Following is a general list of activities that may be accomplished with GAP funds, provided the activities are for the purpose of planning, developing or establishing environmental protection programs or to develop environmental programs. **This list is meant to provide ideas and guidelines, but is not all-inclusive.**

- Develop an administrative system to include:
  - ▶ development of proposals for other environmental grants in accordance with the requirements in Office of Management and Budget (OMB) Circular A-87. In order to charge proposal costs directly to a GAP grant (as opposed to treating the cost as an indirect cost), the Tribe must have prior written approval from EPA.;
  - ▶ procedures for accounting, auditing, evaluating, reviewing, and reporting in accordance with 40 CFR Part 31;
  - ▶ computer systems and Internet service for grant management; and
  - ▶ procurement procedures in compliance with the procurement provisions of 40 CFR §31.36 and 40 CFR §35.10035.
- Develop technical capability to manage environmental programs including:
  - ▶ Identify and perform a baseline assessment of non-mobile and mobile sources of pollution;
  - ▶ Develop quality assurance and quality control systems including Quality Assurance Program and Project (QAPP) Plans that are for the purpose of planning, developing, and establishing an environmental protection program. Implementing or carrying out a QAPP plan is not fundable under GAP, except when a QAPP is required in order to carry out activities approved in the GAP grant work plan;
  - ▶ Develop adequate sampling and laboratory capabilities, including the purchase of equipment and hardware necessary to carry out approved GAP grant activities;
  - ▶ Develop computer systems and provide Internet service for compiling and evaluating environmental monitoring data and facilities compliance data to ensure that the data is current, accurate, and can be submitted to EPA in a format compatible for integration into EPA databases;
  - ▶ Develop qualifications and training needs for environmental management personnel relative to the Tribe's program needs and plan for program implementation, including planning for and implementation of a training program to address technical competency and capability. Training activities may include, but are not limited to training the employees of a Tribe or an Intertribal consortium to conduct inspections, environmental assessments and monitoring, and NEPA analyses in order to develop or establish a relevant environmental protection program; and

- ▶ Develop an environmental emergency response system (not general 911-related response).
- Develop integrated approaches to environmental protection and natural resource management, such as the development of Integrated Resource Management Plans (IRMP), which fully reflect both Tribal environmental and natural resource management goals and objectives, within the limitations of GAP. For example, developing IRMP components such as water quality assessments and species inventories are allowable so long as they are for the purpose of planning, developing or establishing an environmental protection program. Natural resource assessment and development activities for commercial purposes, such as forestry, fisheries, and minerals, water, or energy resources are not allowed under GAP. (For more information on IRMPs, see <http://snake1.cr.usgs.gov/bofrp/irmp.html> or contact Don Hall, National Integrated Resource Management Coordinator, at (303) 969-5270 x236 or [dhall@snake1.cr.usgs.gov](mailto:dhall@snake1.cr.usgs.gov).)
- Develop the legal infrastructure (codes, regulations, ordinances and standards, and policies and guidances) to implement environmental protection programs.
- Develop enforcement programs to ensure compliance including the development of inventory, monitoring and inspection schemes.
- Develop a communications plan to include communications with:
  - ▶ Tribal executives to assure knowledge of and responsiveness to program needs (technical, administrative, and legal);
  - ▶ the regulated community to assure knowledge of and responsiveness to regulatory requirements;
  - ▶ inter-governmental communications with regard to coordination for issues of mutual interest and possibilities for cooperative efforts; and
  - ▶ the community to assure knowledge of, need for, and compliance or cooperation with the implementation of various environmental protection programs.
- Develop materials, information and plans for environmental education/public outreach programs for community members (including Tribal leaders and business and civic organizations).
- Identify multi-jurisdictional opportunities including:
  - ▶ feasibility for intergovernmental (Tribal, Federal, State, Local) cooperative efforts; and

- ▶ planning for and development of cooperative arrangements and plans with intergovernmental agencies and other public organizations.

### **C) Can GAP funds be used for construction?**

Generally, GAP funds cannot be used for construction. Since the principal focus of this program is on the development of general Tribal environmental capability, assistance will not be provided under this program for construction of specific facilities. The National Program Manager, the American Indian Environmental Office (AIEO), will determine on a case-by-case basis whether the construction activity is necessary to plan, develop, or establish a Tribal environmental protection program. For example, for a Tribe to develop a core Tribal environmental protection program it is necessary for the Tribe to have a place for staff to work. If rental space is not available, it may be necessary to construct office space or buy a modular building and move it to an appropriate location. Requests from grantees for such activities must be evaluated by the Regional Program Manager and referred to the Director of AIEO with full justification for recommended approval or non-approval of the request including provisions for compliance with the National Environmental Policy Act (NEPA). AIEO will make the determination within 30 days and in consultation with the appropriate program offices and the Office of General Counsel. For information on what happens to the title of a building that was paid for with GAP funds following completion of the grant, see 40 CFR §31.31.

Examples of construction activities not allowed include, but are not limited to, landfill construction, recycling facility construction, wastewater treatment facility construction, construction, operation and maintenance of sanitary facilities, construction related to implementation of best management practices for nonpoint source pollution control in a watershed, or purchase of construction equipment such as trucks and compactors or graders.

### **D) Can GAP funds be used to lease or purchase a vehicle for use in developing an environmental program?**

Yes. GAP funds may be used to lease or purchase a vehicle for use in developing an environmental program under OMB Circular A-87. In the work plan, the grantee must justify the need for a vehicle and compare the cost of leasing or purchasing a vehicle to determine the most cost-effective alternative. Following an award for lease or purchase of a vehicle, the grantee must keep adequate records (pursuant to 40 CFR Part 31 and OMB Circular A-87) of the vehicle usage to ensure it is reasonable and necessary to carry out the GAP grant activities. For information on what happens to a vehicle that was purchased after the GAP grant is completed, see 40 CFR §31.32.

### **E) Can GAP funds be used to develop Geographic Information Systems (GIS)?**

Yes, if it is necessary to build the Tribe's capacity to run environmental programs. Using GIS for surveying a commercial purchase of land or in support of current litigation are not activities that can be funded by GAP.

**F) Can GAP funds be used to implement solid waste and hazardous waste programs?**

No, not under current regulations. The list of eligible activities in the current GAP regulations does not include implementation of solid and hazardous waste programs (40 CFR §35.10020). This reflects a policy decision that EPA made in 1993 (when the current GAP regulations were promulgated) to limit the use of GAP funds for solid and hazardous waste programs to the planning, developing and establishing stages, despite the explicit statutory authority to use GAP funds for implementation of solid and hazardous waste programs. However, the proposed rule for Environmental Program Grants for Indian Tribes (to be codified at 40 CFR Part 35, Subpart B), which includes regulations for GAP grants that would supersede the current regulation, would allow GAP funds to be used for implementation of solid and hazardous waste programs. If that part of the rule is made final, these activities will be allowable under GAP.

**G) Can GAP funds be used to plan, design, construct or operate a wastewater treatment facility or drinking water facility?**

No. Planning, designing, constructing and operating such facilities are implementation activities; therefore, they are not eligible for funding under GAP. Associated feasibility studies and NEPA reviews, including environmental impact studies and assessments, are part of the planning phase of facility construction; therefore, they are implementation activities not eligible for funding under GAP. These activities may be funded under other EPA and Indian Health Service (IHS) grant programs.

**H) Can GAP funds be used to develop programs to manage and oversee wastewater treatment or drinking water facilities?**

Yes. GAP funds may be used for planning, developing, and establishing Tribal administrative programs to manage and oversee facility construction and operation.

**I) Can GAP funds be used to plan, develop or establish environmental protection programs not regulated by EPA?**

Yes. The Act explicitly authorizes GAP funds to be used to plan, develop and establish the capability to implement programs administered by EPA, but it also explicitly authorizes GAP funds to be used "to cover the costs of planning, developing, and establishing environmental protection programs consistent

with other applicable provisions of law providing for enforcement of such laws by Indian Tribes on Indian lands” (42 U.S.C. §4368b (d)(1)).

For example, protection of environmental cultural resources is not regulated by EPA, but a Tribe could use GAP funds to develop a program to clear out exotic plant species that are disturbing the historical ecosystem or re-establish native plant species. (GAP funds may not be used to fund activities related to cultural resources unrelated to environmental protection, such as the repatriation of Native American cultural items, which is funded under the Native American Graves Protection and Repatriation Act of 1990.)

**J) Can GAP funds be used for baseline environmental assessments or monitoring?**

Yes, if establishing the baseline environmental conditions or monitoring is necessary to plan, develop, or establish a Tribal environmental program. However, GAP funds cannot be used for a baseline or other assessment or monitoring that is for the principal purpose of solving particular problems at particular places. An assessment that is conducted over more than one year may be necessary to establish the baseline environmental conditions for the purpose of planning, developing or establishing an environmental program. Monitoring in support of implementing programs is not eligible for funding under GAP. The Tribe should seek program specific grants for monitoring in support of program implementation. GAP funds may supplement program-specific grants by supporting employee training related to monitoring or the purchase of necessary monitoring equipment.

**K) Can GAP funds be used to develop a system of permitting or licensing fees?**

Yes. Tribes may use GAP funds to develop regulations which require licensing, permitting, or inspection fees and fines and penalties for violations of Tribal environmental laws, but GAP funds cannot be used to implement or enforce such regulations or collect fees, fines or penalties.

**L) Can GAP funds be used to prepare program eligibility application packages?**

Yes. GAP funds may be used to prepare the program eligibility application packages (formerly known as “treatment as a State” (TAS)) required for certain EPA grant programs or program authorizations, including the demonstration of jurisdiction (see restriction below regarding jurisdiction). The purpose of GAP is to build Tribal capacity to manage environmental programs, therefore a Tribe may conduct eligible GAP activities for the dual purpose of building the Tribe’s environmental program and fulfilling the eligibility requirements. However, GAP funds may not be used to pay legal fees associated with litigation to resolve jurisdictional disputes.

**M) Can GAP funds be used to conduct demonstration projects?**



Yes. GAP funds can be used to conduct demonstration projects so long as the purpose of the project is to plan, develop, or establish a Tribal environmental program. A demonstration project involves new or experimental technologies, methods, or approaches and the results of the project must be disseminated so that others can benefit from the knowledge gained through the demonstration project. The duration of a demonstration project depends on how long it takes for the particular project to yield results of the experimental technologies, methods or approaches and to disseminate those results, but no demonstration project should exceed five years (see 40 CFR §40.125-1).

### **III. THE APPLICATION PROCESS**

#### **A) Who is eligible for a GAP grant?**

Eligible grantees include either of the following:

- A federally recognized Indian Tribal government.\*
- Authorized Intertribal consortium.\*

\* See section I (E) for definitions.

#### **B) What are the eligibility requirements for an Intertribal consortium?**

An Intertribal consortium is eligible to receive a GAP grant if the consortium demonstrates that (1) a majority of its members meets the eligibility requirements for GAP grants; (2) all members that meet the eligibility requirements authorize the consortium to apply for and receive the grant; and (3) only members that meet the eligibility requirements will benefit directly from the grant project and the consortium agrees to a grant condition to that effect.

An Intertribal consortium must have adequate documentation of the existence of the partnership and the authorization of the member Tribes to apply for and receive assistance. Documentation that demonstrates the existence of the partnership of Indian Tribal governments may consist of Tribal council resolutions, Intertribal consortia resolutions in conjunction with a Tribal council resolution from each member Tribe, or other written certification from a duly authorized representative of each Tribal government that clearly demonstrates that a partnership of Indian Tribal governments exists. Documentation that demonstrates that member Tribes authorize the consortium to apply for and receive assistance may consist of a Tribal council resolution from each Tribe or other written certification from a duly authorized representative of each Tribal government that clearly demonstrates that the Tribe authorizes the consortium to apply for and receive the grant on behalf of the Tribe. An Intertribal consortium resolution is not adequate documentation of the member Tribes authorization of the consortium unless it includes a written certification from a duly authorized representative of each Tribal government.

### **C) Must a Tribe or an Intertribal Consortium have land to get a GAP grant?**

No. A Tribe or Intertribal consortium does not have to have land to get a GAP grant. Although the Tribe or Intertribal consortium may not have a land base, it can still plan, develop or establish environmental protection programs, including environmental education and outreach programs.

### **D) Are Alaska Tribes eligible for GAP grants?**

Yes. For the purposes of these guidelines, the term “Alaska Tribe” refers to those 227 Alaska Native entities included in the list of “federally-recognized” Indian Tribes as published by the Bureau of Indian Affairs (BIA) (see "Native Entities Within the State of Alaska Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs" 63 FR 71941 (December 30, 1998)). These Alaska Tribes enjoy the same legal status as other federally recognized Tribes in the Lower 48 States.

The term “Alaska Native village” is sometimes used as a synonym for: “Alaska Tribes;” any of the various Native entities in Alaska (federally recognized and non-federally recognized); or a geographic area occupied by Natives. The Alaska Native Claims Settlement Act (ANCSA) (43 U.S.C. §1601) provides the following definition for a "Native Village;"

any tribe, band, clan, group, village, community, or association in Alaska listed in sections 11 and 16 of the Act [43 U.S.C.S. §1610 and §1615], or which meets the requirements of the Act, and which the Secretary determines was, on the 1970 census enumeration date (as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance) composed of twenty-five or more Natives (43 USCA 1602(c)).

This definition served to identify those Native entities that were assigned village corporations upon passage of ANCSA. This further confuses things in that it suggests that “Native villages” are equivalent to “village corporations.” For these reasons, the term “Alaska Native village” is not used in these guidelines. The reader, however, may see this term used in various regulations and statutes.

### **E) Are Alaska Native regional or village corporations eligible for GAP grants?**

No. It is important to understand that the Alaska Tribes and the regional or village corporations are not equivalent. Alaska Tribes are federally recognized Tribal governments and are thus eligible for GAP. Only Indian Tribal governments and Intertribal consortia made up of Indian Tribal governments are eligible for GAP grants and Alaska Native regional or village corporations are neither an Indian Tribal government nor an Intertribal consortium because they are not federally recognized. EPA means no disrespect to the individual Tribal members of the corporations, but we are limited by statute as to which entities may receive GAP grants.

The Act defines Indian Tribal government as;

any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C.A. §1601, et seq.)), which is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians (42 U.S.C. §4368b (c)(1)).

The Act's inclusion of Alaska Native regional or village corporations in the definition of "Indian Tribal government" creates confusion because they are explicitly included in the definition of Indian Tribal government, yet no such corporation is federally recognized, which is also part of the definition of Indian Tribal governments. The regional and village corporations are State-chartered legal entities established by the Alaska Native Claims Settlement Act (ANCSA) (43 U.S.C. §1601) for the purpose of conducting business transactions. Regional and village corporations are not eligible for GAP grants because they are not federally recognized governments. However, the regional and village corporations have been designated as "Tribes" for the purposes of some Federal laws, primarily the Indian Self-Determination and Education Assistance Act (ISDA).

Although Alaska Native regional and village corporations are not eligible for GAP grants, an Alaska Tribe receiving a GAP grant may award a subcontract or subgrant to a village or regional corporation (just as they could to any other business), in accordance with EPA's regulations governing subcontracts and subgrants.

#### **F) Are Alaska regional nonprofit corporations eligible for GAP?**

Yes, but only if these regional nonprofit corporations meet the eligibility requirements of an Intertribal consortium, in which case they would be eligible for a GAP grant as an Intertribal consortium (see section III (B) above), not as an Alaska regional nonprofit corporation. Over the last 75 years, Alaska Tribes formed nonprofit corporations as a vehicle to receive funding to address issues of concern to the Tribes, such as health and environmental issues. These nonprofit corporations are distinct from the village and regional corporations established under ANCSA (see section III (E) above).

#### **G) What is the application process for a GAP grant?**

Eligible grantees must submit a work plan and fill out Standard Form 424—"Application for Federal Assistance: State and Local Non-Construction Programs" and provide all required certifications. For more information on the application process and the Regional application deadlines, contact the Regional GAP contacts (see Appendix) and see <http://www.whitehouse.gov/OMB/grants/index.html>.

#### **H) What are the minimum GAP grant work plan requirements?**

The work plan is the basis for the management and evaluation of performance under the grant agreement. The work plan must contain the following:

- The work plan components to be funded under the grant;
- The estimated work years and funding amounts for each work plan component;
- The work plan commitments for each work plan component, and a time frame for their accomplishment;
- A performance evaluation process and reporting schedule in accordance with section IV (A and B);
- The roles and responsibilities of the recipient and EPA in carrying out the work plan commitments;
- Quality assurance documentation (see below).

**I) What quality assurance documentation is required?**

GAP grantees are subject to the quality assurance requirements in 40 CFR §31.45, which state the following:

If the grantee's project involves environmentally related measurements or data generation, the grantee shall develop and implement quality assurance practices consisting of policies, procedures, specifications, standards, and documentation sufficient to produce data of quality adequate to meet project objectives and to minimize loss of data due to out-of-control conditions or malfunction.

In addition, it is EPA policy that all environmental programs performed through EPA-funded extramural agreements (including GAP grants) must be supported by individual quality systems that comply fully with the American National Standard ANSI/ASQC E4-1994, *Specifications and Guidelines for Quality Systems for Environmental Data Collection and Environmental Technology Programs*. ANSI/ASQC E4-1994 is a national standard authorized by the American National Standards Institute (ANSI) and developed by the American Society for Quality Control (ASQC) (EPA Order 5360.1 CHG 1, July 16, 1998). For more information, see <http://es.epa.gov/ncerqa/qa/index.html>. Grantees should also contact their Regional GAP contacts (see Appendix) to see if there are specific Regional guidelines. For example, see Region 9's home page at <http://www.epa.gov/region09/qa/indian-tribe.html> and <http://www.epa.gov/region09/qa/tribes-fs.html>.

**J) How much is a GAP grant award?**

An initial GAP grant must be for a minimum of \$75,000. A grant amendment may be for an amount more or less than \$75,000 (40 CFR §35.10025(a)). No single grant awarded under this program may be for an amount exceeding ten percent of the total annual funds appropriated under section 11(h) of the Act (40 CFR §35.10025(b)).

**K) Is a match required for a GAP grant?**

No. The GAP does not require grantees to provide any share of project costs.

**L) What is the project period of a GAP grant?**

Project period is the length of time specified in the assistance agreement for completion of all project work. The project period of a GAP grant cannot be longer than four years (42 U.S.C. §4368a(d)(3)). If the project period established in the assistance agreement is less than four years, the grantee may later request an amendment to extend the project period if the grant has not already met the four-year project period limit.

**M) What is the funding period of a GAP grant?**

The funding period (also known as the budget period) is the period of time specified in the grant agreement during which the recipient may obligate funds for the purposes specified in the agreement. All obligated funds must be expended no later than 90 days after the end of the funding period. If obligated funds cannot be expended by the deadline, a grantee may request an extension of time (providing adequate justification) to liquidate the obligations (40 CFR §31.23).

**N) Can GAP grantees apply for a new GAP grant at the end of their current GAP grant project period?**

Yes, even if the project period of their current GAP grant is four years. Grantees should apply for a new GAP grant at least 60 days before the end of the project period of their current GAP grant. If the project period of the grantees's current GAP grant is less than four years, the grantee can apply for another GAP grant at the end of the project period or request an amendment to increase the project period to a maximum of four years. Grantees should contact their Regional GAP contacts (see Appendix) for information on Regional GAP grant application deadlines.

**O) Is a grantee guaranteed a subsequent GAP grant?**

No. Funding for GAP grants is provided on a yearly or other basis. Applications must be submitted and evaluated for each new or amended GAP grant. The Regional Program Manager will consider the amount of GAP funds appropriated to EPA, the grantee's past performance and work plan quality to determine whether additional funding will be awarded.

**P) Can a grantee get a GAP grant for a project or activity that is already funded by another EPA grant?**

No. Grantees cannot charge the same task, project or activity to two grants. Grantees can, however, use GAP funds for the same type of activity funded by another grant but only if grantees are not doing the same task, project or activity and it is eligible for funding under GAP. This provision is intended to prevent what is often called “double-dipping,” to prevent EPA from paying for the same work twice.

#### **IV. GRANTEE MANAGEMENT OF GAP GRANTS**

##### **A) What are the grantee financial reporting requirements?**

Grantees must comply with the reporting requirements of 40 CFR Part 31 and 40 CFR Part 35, Subpart Q. Grantees must send EPA the following financial reports at least annually:

- Financial Status Report (Standard Form 269)
- Federal Cash Transactions Report (Standard Form 272, for assistance agreements paid through EPA’s Automated Clearinghouse)
- Request for Advance or Reimbursement (Standard Form 270, if applicable)
- Minority Business Enterprises/Women’s Business Enterprises reports (Standard Form 5700-52A). (The EPA is currently working on a MBE/WBE rulemaking that may change requirements applying to Tribal Governments. Grantees should check with their Regional Grants Specialist for current information on MBE/WBE requirements.)

##### **B) What are the grantee performance reporting requirements?**

Grantees must comply with the reporting requirements of 40 CFR Part 31 and 40 CFR Part 35, Subpart Q. Grantees must send EPA the following performance reports on a schedule determined by the Project Officer and stated in the work plan, but not less than annually and not more than quarterly:

- Summary of GAP grant activities during the reporting period, including status summary, accomplishments, and milestones.
- Identification of any problems and a corrective action.
- Comparison of funds spent during the reporting period against the planned expenditures in the work plan and an explanation of any discrepancies.
- Estimates of the time and funds necessary to complete the project and a comparison of these estimates to the time and funds remaining in the work plan.

In addition to performance reports, grantees should have frequent contact with their Project Officer to keep him/her informed of grantee progress and to resolve any problems that may arise.

##### **C) What cost principles apply to the determination of allowable costs under a GAP grant?**

The principles in OMB Circular A-87 (see <http://www.whitehouse.gov/omb/circulars/index.html>) apply to the determination of allowable costs of Indian Tribes or Intertribal consortia. Subgrantees of GAP

grants that are not Indian Tribes or Intertribal consortia should follow the OMB Circular or regulations applicable to their type of organization (see 40 CFR Part 31.22).

**D) What are the grantee purchasing (procurement) procedures?**

In general, for purchases of less than \$50,000 grantees should follow the procedures described in 40 CFR 35.10035 and for purchases of \$50,000 and over grantees should follow the procedures in 40 CFR 31.36. A summary of the procedures outlined in these two sections is provided below.

<b>If the aggregate amount of the purchase is...</b>	<b>Then grantees must...</b>
\$1,000 or less	Demonstrate that the price is reasonable.
Over \$1,000 but less than \$25,000	Obtain and document oral or written price quotations from two or more qualified sources.
\$25,000 and over but less than \$50,000	<ul style="list-style-type: none"> <li>• Solicit written bids/proposals from two or more sources who are willing and able to do the work;</li> <li>• Provide to potential sources a clear and accurate description of the work to be performed;</li> <li>• Provide the criteria the recipient will use to evaluate bids/proposals submitted;</li> <li>• Objectively evaluate all bids/proposals submitted; and</li> <li>• Notify all bidders/proposers.</li> </ul>
\$50,000 and over but less than \$100,000	Obtain price or rate quotations from an adequate number of qualified sources.
\$100,000 and over	Follow the procedures in 40 CFR 31.36 (except 40 CFR §31.36 (d)(1)).

#### **E) What are indirect costs and how are they charged to a GAP grant?**

Indirect costs are the costs that are incurred for a common or joint purpose benefitting more than one cost objective, that are not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. An example is electricity for the Tribal environmental office. Indirect costs should be charged to the GAP grant in accordance with OMB Circular A-87, in particular, attachments C, D, and E and the Tribe's approved indirect cost rate agreement (usually negotiated with the Bureau of Indian Affairs). Indirect costs should be distributed to benefitted cost objectives on bases that will produce an equitable result in consideration of relative benefits derived. For more information on allowable costs, see OMB Circular A-87, "Cost Principles for State, Local, and Indian Tribal Governments" available at <http://www.whitehouse.gov/OMB/circulars/a087-all.html>.

#### **F) Are GAP grants subject to intergovernmental review?**

No. GAP grants are not subject to intergovernmental review.

#### **G) Can GAP grantees be audited by EPA?**



Yes. Grantees must comply with OMB Circular A-133 and the auditing requirements of 40 CFR Part 31 including Parts 31.26, 31.36, and 31.42. The EPA Office of Inspector General can perform an audit of the GAP at any time.

## **V. INFORMATION FOR EPA MANAGEMENT OF GAP**

### **A) What are the responsibilities of a GAP Project Officer?**

The Project Officer is the EPA official designated in the GAP grant as EPA's program contact with the recipient. EPA employees must be certified as Project Officers through EPA's standardized Project Officer training program before they can be a project officer for a GAP grant. For questions on the responsibilities of a Project Officer, refer to the training manual entitled "Managing Your Financial Assistance Agreement: Project Officer Responsibilities" (EPA document number 202-B-96-002, October 1996).

### **B) What is the Regional process for awarding GAP grants?**

The Regional Program Manager (RPM) (see section VI (B)) will issue a call letter during the first quarter of each fiscal year notifying eligible recipients of the availability of assistance, including instruction on the need to reapply for Tribes currently receiving assistance. The RPM will allocate funds to eligible recipients in accordance with the procedures established in these guidelines. The RPM may establish supplemental Regional guidelines and criteria consistent with these guidelines and with consideration of the environmental protection goals of the nation, Region and Tribes. Regional guidelines and criteria may include, but is not limited to, criteria for grantee selection (e.g., health and ecological risk assessment of the reservation, past performance, etc.) and work plan requirements including expected outputs. Any such guidelines or criteria must be submitted to the American Indian Environmental Office.

### **C) How are GAP funds distributed among the Regions?**

As the National Program Manager, the American Indian Environmental Office (AIEO) is responsible for distribution of the national GAP funds to the EPA Regional Offices. AIEO distributes the funds using a formula that considers the Tribal land base, number of Tribes, and Tribal population in each Region. Each year AIEO will issue a decision memorandum on the distribution of GAP funds to the Regions by January 31. For more specific information on how Tribes are counted for funding purposes or award amounts to each Region, refer to these memoranda. In addition to the funds awarded by the Regions, some funds will be held by AIEO (referred to as "GAP set-aside" funds) to support specific Tribal or Tribal consortia projects that have national application or address a national program need identified by AIEO. Upon selection by AIEO, the Regions will award the funds under GAP. As of

fiscal year (FY) 2001, AIEO will send out a request for proposals for set-aside projects on the same schedule as other GAP projects (January 31).

In addition to the GAP set-aside funds awarded through AIEO, EPA's Office of Solid Waste and Emergency Response (OSWER) has contributed to the GAP account for FY 1999 and FY 2000 to create a \$500K Tribal set-aside for awarding GAP grants that support planning, developing and establishing Tribal solid and hazardous waste programs. The grantees for these GAP grants are chosen by OSWER.

#### **D) What is the availability of funds?**

Congress provides GAP funding to EPA through the State and Tribal Assistance Grants (STAG) Appropriation. This account is a no-year appropriation, meaning that funds are available for obligation without fiscal year limitation. However, AIEO strongly encourages all GAP managers to obligate GAP funds within the fiscal year in which they were appropriated. AIEO must approve all requests to carry-over GAP funds beyond the fiscal year in which the funds were appropriated.

Funds awarded under GAP remain available until expended in accordance with the project period of the award (e.g., 1 to 4 years). Note however, that for a GAP grant with a 4-year project period: monies awarded in the first year remain available through all four years; monies awarded in the second year remain available through the remaining three years; monies awarded in the third year remain available through the remaining two years; and monies awarded in the fourth year are available only in that year. Project Officers should establish a tracking system on a per-grant basis to assure that grantee spending coincides with the project period.

#### **E) Can EPA program-specific funds be reprogrammed\* into GAP?**

Yes. Program-specific funds or other funds included in EPA's State and Tribal Assistance Grant appropriation for grants to States, Tribes, Intertribal consortia, and air pollution control agencies for pollution prevention control and abatement, may be reprogrammed into GAP subject to Congressional guidance on reprogrammings. In recent years, EPA has operated under a limitation of \$500,000 on reprogrammings without Appropriations Committee notification. This limitation is not cumulative for the year, but applies incrementally to reprogramming activities undertaken for a specific purpose. In other words, reprogrammings that involve a particular program results code (PRC) are not cumulative if each reprogramming is done for a different stated purpose. However, PRC reprogrammings done for the *same stated purpose* are cumulative at the Agency level. EPA has agreed to notify the Appropriations Committee prior to each reprogramming of funds in excess of the limitation between programs (media) or PRCs. In conjunction with the Annual Planning and Budget Division, the American Indian Environmental Office (AIEO) will monitor the status and amount of any regional reprogrammings into/out of GAP to determine if they are cumulative in excess of the \$500,000 limitation. Prior to initiating any reprogrammings, the Regional Program Manager (RPM) must submit their request by

separate memorandum to AIEO. These requests need to include an informative purpose statement (justification), the amount of funds and the affected media programs and corresponding PRCs. For shift of funds less than the \$500,000 limitation, AIEO will notify the RPMs of approval, after which the RPM may enter the reprogrammings into the Integrated Financial Management System (IFMS). If the need to reprogram funds in excess of the limitation occurs, AIEO will consult with the Planning & Budget Division for guidance on current procedures such as format, content and timing for providing Congressional notification. These proposed reprogrammings should not be entered into the Agency's IFMS until the Agency receives approval from the Appropriations Committee, and, in turn, AIEO forwards this approval to the Regions.

\* A reprogramming is any movement of dollars or FTEs (Full Time Equivalent) in the Operating Plan, including any change into or out of a PRC (see above) or budget object class (Administrative Control of Appropriated Funds, Release 1.0 (7/16/97)).

**F) Are GAP grants subject to the policies and guidances issued by the Grants Administration Division?**

Yes. GAP grants are subject to the policies and guidances issued for EPA's assistance agreements by the Grants Administration Division (GAD). GAP Project Officers should consult with the Regional grants management office on all administrative matters related to the grant.

**G) Is GAP subject to EPA Order 5700.2 on Streamlining Small Grants?**

No. GAP is exempt from EPA Order 5700.2.

**H) What should a GAP Project Officer do if a grant has reached the end of a four-year project period?**

When a GAP grant reaches the end of a four year project period, the GAP project officer must close out the grant. Close out is the process that ensures all technical work and administrative requirements (such as final accounting of expenditures) have been finalized. For more information on the closeout process, see "Managing Your Financial Assistance Agreement: Project Officer Responsibilities" (EPA document number EPA 202-B-96-002, October 1996). Tribes may apply for a new GAP grant and should do so at least 60 days before the end of the four-year project period. Grantees should contact their Regional GAP contacts (see Appendix) for information on Regional GAP grant application deadlines.

**I) Can a Regional Grants Management Office award or close out a grant for which the Tribe or Tribal consortium does not have an approved indirect cost rate\*?**

Yes. For those Tribes or Intertribal consortium that have applied for but have not received an approved indirect cost rate\* from the Bureau of Indian Affairs (BIA), the following is applicable:

- If a Tribe or Intertribal consortium has an indirect cost rate negotiated by BIA that has expired, the Tribe or Intertribal consortium may use that rate until a new rate is established.
- If a new rate is not established before the end of the project and budget period the old rate will be used to close the grant.
- If a Tribe or Intertribal consortium has never had an indirect cost rate and their application is pending with BIA, the Agency may use the requested rate in the pending application until a rate is established.
- A Tribe or Intertribal consortium must have a pending indirect cost application with BIA to use an expired rate or the rate in the pending application.

A Tribe or Intertribal consortium may also choose to waive their indirect cost rate and not charge this cost to their GAP grant.

\* The indirect cost rate determines the proportion of indirect costs each program should bear and is the ratio (expressed as a percentage) of the indirect cost to a direct cost base (OMB Circular A-87). See section IV (E) for an explanation of indirect costs.

#### **J) What should a GAP Project Officer do with unexpended funds?**

If a Project Officer is ready to close out a GAP grant and there are funds that were obligated but that the Tribe did not spend (unexpended funds), the Project Officer may deobligate the funds and the money will return to the Regional Tribal program for reallocation within the GAP account.

## **VI. REGIONAL RESPONSIBILITIES FOR GAP MANAGEMENT**

#### **A) What are the Regional reporting requirements?**

The Regional Administrator or his/her delegee must send AIEO an annual tracking matrix and narrative report for all funds and activities included under the GAP grants, in consultation with the appropriate Regional program offices. This annual matrix and report will be based on the grantee performance reports (see Grantee Management of GAP Grants section above). The tracking matrix and narrative report must be submitted by January 31 for the activities of the previous fiscal year (FY). These reports provide a mechanism for evaluating the environmental performance brought about by GAP, for reporting to Congress, and for ensuring the Agency provides the technical assistance and oversight needed to ensure and enhance successful program development.

The tracking matrix, which is currently being developed by AIEO, will include the following information for each grant:

- The name of the grantee(s), including all Tribes included in any consortium for each grant.
- A cumulative summary of GAP grant funds received in all the past years, with the exception of funds allocated in the fiscal year in which the annual report is written. This information will be used by AIEO to write the annual GAP progress report, and to demonstrate to Congress the environmental benefits of the program based on past investments.
- Summary of Tribal program goals through the end of the previous fiscal year. These may include milestones the Tribal program plans to develop, or proposed intergovernmental agreements or plans. This information will be used by AIEO to develop future priority budget requests, assist in discussions with Programmatic National Program Managers regarding their investment in program-specific Tribal grants, and identifying potential focus areas for national GAP set-aside funding.
- Summary of capacity-building milestones and accomplishments through the end of the previous fiscal year. For example: codes/regulations that have been developed; environmental assessments completed; media program grants received; training completed; or public outreach or education conducted. This information will be used by AIEO to: write the annual GAP progress report; demonstrate to Congress the environmental benefits of the program based on past investments; assist in discussions with Programmatic National Program Managers regarding their investment in program-specific Tribal grants; verify Baseline Assessment project data, facilitate information exchange among Regions and Tribes; and identify trends and progress in specific media areas.

The narrative report must include a Regional summary of the following:

- Discussion of issues of Regional or national significance identified through a specific GAP grant and/or overall management of the Regional program. AIEO will use this information to identify issues needing national policy discussions, clarifications or decisions.
- Overall statement of environmental benefits resulting from the Regional GAP program. AIEO will use this information to support EPA's reporting under the Government Performance and Results Act and in writing the annual GAP progress report.

In addition to the information in the annual report, AIEO needs the information described below biannually to comply with reporting requirements under the Government Performance and Results Act (GPRA); once by the second Friday of March and once by November 30.

For FY 2000 only:

- ▶ The number of Tribes with program delegated/approved environmental programs;
- ▶ The number of program delegations/approvals; and
- ▶ The number of EPA/Tribal Environmental Agreements (TEAs);

For FY 2000 and after:

- ▶ The number of Tribes and Intertribal consortia with GAP grants;

- ▶ The number of partnerships between the Tribes and EPA for managing the environment in Indian country; and
- ▶ The number of EPA actions authorizing program implementation in Indian country by Tribes.

The numbers reported are the incremental increases from the prior fiscal year. The first three measures listed above will be in place through FY 2000. Beginning in FY 2001, these three measures will be replaced by the last three measures listed above. Therefore, for FY 2000 only, AIEO needs the Regions to report biannually on all six items listed above. Beginning in FY 2001, the Regions will only have to report biannually on the last three measures. The GPRA reporting requirements may change in future years. Regions should consult AIEO's GPRA coordinator for any changes to the listed GPRA reporting requirements.

If a Region does not submit the annual tracking matrix and narrative report, AIEO may choose not to release Regional funds until the report is received. AIEO will supply copies of these Regional reports to Programmatic National Program Managers upon request. AIEO will supply the Regions with a copy of the annual GAP progress report, which also will be publicly available. On occasion, other reports or information may also be requested by AIEO as may be necessary to advance the GAP program in Agency-wide budget deliberations or respond to Congressional inquiries.

## **B) What are the responsibilities of the Regional Program Manager?**

The Regional Program Manager (RPM) is the Regional Administrator (RA). The RA may delegate these responsibilities to the Division or Office Director level, but must notify AIEO of any such delegation. The responsibilities of the RPM include:

- Approving official for all GAP grants.
- Award official for all GAP grants.
- Serving as the decision official for allocating GAP funds to Tribes.
- Establishing supplemental Regional GAP policy, criteria and guidelines. Any Regional guidelines or criteria that Regions propose to apply to GAP grants awarded after the effective date of these guidelines must be sent to AIEO for review and concurrence.
- Serving as the decision official for waiver of supplemental Regional policy, guidelines and criteria consistent with national policy and statutory requirements.
- Developing and transmitting the recommendation and justification to AIEO for grantee requests for construction activities (see section II (C));
- Designating the Regional GAP administrator and manager and/or GAP management teams. GAP management teams should include representatives from the media programs and the Regional grants management office.
- Developing and implementing the Regional GAP plan for eligible recipients in the Region.

## **C) What are the responsibilities of the Programmatic Regional Program Managers (PRPMs)?**

For the purposes of GAP, the PRPMs include all Division and Office Directors. The PRPM responsibilities include:

- Implementing GAP national policy and guidelines and any Regional supplemental guidelines in order to assist Tribal governments and Intertribal consortia with planning, developing and establishing environmental management programs for their respective areas.
- Coordinating with the Regional Indian Coordinator or other RPM designee on program issues associated with GAP.
- Providing technical assistance to grantees for planning, developing and establishing the appropriate program infrastructure and technical capability for their environmental management program (as appropriate under the terms and conditions of a GAP grant).
- Program implementation activities, as directed by their National Program Managers.
- Assisting and reporting to the Project Officer for GAP grants as appropriate for the management of the GAP grant. This includes providing programmatic expertise to review, approve and monitor program specific GAP work plan task development and implementation.
- Integrating project-specific assistance and program-development assistance into the GAP process for overall capacity building.

#### **D) What are the responsibilities of the Regional Grants Management Offices?**

The Regional Grants Management Offices have the following responsibilities:

- Reviewing applications to determine allowability, allocability and reasonableness of proposed costs.
- Preparing and processing final grant agreement.
- Administrative management of the grant.
- Providing technical assistance to grantees with administrative assessment of their infrastructure, such as accounting, procurement, and property management (as appropriate under the terms and conditions of a GAP grant).
- Assisting and coordinating with the Project Officer for GAP grants as appropriate.
- Develop and submit requests to deviate from GAP administrative or program regulations.

#### **E) What are the responsibilities of the Office of Regional Counsel?**

The Office of Regional Counsel responsibilities include:

- Resolving legal issues associated with award and administration of GAP grants.
- Providing technical assistance to grantees with the assessment of their legal and enforcement infrastructure for their environmental management programs (as appropriate under the terms and conditions of the GAP grant).
- Assisting the Regional Program Manager, GAP Project Officers and the Regional Grants Management Office as appropriate.
- Legal determinations associated with Regional GAP management in consultation with Office of General Counsel, if appropriate. All legal issues of national significance associated with Regional

policies and guidelines and/or specific GAP grants should be referred to Office of General Counsel for decision.

**F) What are the responsibilities of the Regional Finance Offices?**

The Regional Finance Office responsibilities include:

- Obligating/dispersing funds for the GAP grants.
- Providing technical assistance to Project Officers and the Regional Grants Management Office.
- Providing technical assistance to grantees with assessment of their financial management infrastructure.

**VII. HEADQUARTERS RESPONSIBILITIES FOR GAP MANAGEMENT**

**A) What are the responsibilities of the National Program Manager?**

The National Program Manager is the American Indian Environmental Office (AIEO). AIEO's responsibilities include:

- Establishing national GAP policy and guidelines.
- Coordinating GAP budget development and management among the media programs, administrative offices, program development offices and Regional offices.
- Serving as the decision official for allocation of national GAP funds to the Regions.
- Serving as the decision official for grantee requests for construction activities.
- Approving the disbursement of GAP funds to the Regions.
- Providing national GAP oversight.
- Compiling GAP information for reports to Congress.

**B) What are the responsibilities of the Programmatic National Program Managers (PNPMs)?**

The PNPMs are the Assistant and Associate Administrators (or their delegees) of the National Program Offices. The responsibilities of the PNPMs include:

- Providing policy and guidance for their respective areas that will assist Indian Tribal governments and Intertribal consortia with planning, developing and establishing environmental management programs.
- Implementing program activities, directly or through their Regional counterparts.
- Providing technical assistance to Regional Program Manager, GAP Project Officers and grantees (as appropriate under terms and conditions of a GAP grant).

**C) What are the responsibilities of the Office of General Counsel?**

The Office of General Counsel responsibilities include:



- Making all legal determinations of national significance associated with GAP's authorizing statute, regulations and general grant regulations and any other pertinent statute or regulation.
- Consulting and providing assistance to the Office of Regional Counsel in resolution of legal issues, as appropriate.

All determinations should be made in consultation with AIEO.

**D) What are the responsibilities of the Office of the Comptroller?**

The Office of the Comptroller is responsible for financial management of the GAP funds, including:

- Providing budgeted funds to AIEO.
- Processing reprogramming requests.
- Providing technical assistance to AIEO.

**E) What are the responsibilities of the Grants Administration Division (GAD)?**

GAD is responsible for:

- Establishing policy and guidance on the administration of GAP grants.
- Reviewing and acting on deviation requests on EPA's grant administration regulations submitted by Regional Grants Management Offices.

# APPENDIX

## **EPA REGIONAL GAP CONTACTS**

### **EPA REGION 1** (CT, ME, NH, RI, VT)

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**EPA REGION 5** (IL, IN, MI, MN, OH, WI)

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**EPA REGION 6** (AR, LA, NM, OK, TX)

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**EPA REGION 8** (CO, MT, ND, SD, UT)

\*Note: For most current information, see <http://www.epa.gov.region08/coop/tribe/tapinfo.html>.

Tribal Manager: Sadie Hoskie (303-312-6343)

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**EPA REGION 9** (AZ, CA, HI, NV, AS, GU)

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### **EPA REGION 10** (AK, ID, OR, WA)

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